

REMARKS

After entry of this Amendment, claims 2-6, 11-15, 24-29 and 31-34 are pending. Claims 2, 11 and 34 are independent.

In the Office Action dated May 15, 2007, all claims were rejected on the ground of obviousness-type double patenting in view of U.S. Patent No. 6,676,640 and U.S. Patent No. 6,287,281. To obviate the double patenting rejection, terminal disclaimers are enclosed. The filing of these terminal disclaimers is not an admission of the propriety of the rejection. *See* MPEP 804.02.

In the Office Action dated May 15, 2007, claim 11 was not rejected on prior art grounds. Claim 11 has now been rewritten in independent form. Accordingly, it is respectfully submitted that claim 11 and all claims depending therefrom are in condition for allowance.

Claims 2 and 34 were rejected under 35 USC 102(b) as anticipated by U.S. Patent No. 5,453,098 to Botts et al. (“Botts”) and U.S. Patent No. 3,760,811 to Andrew (“Andrew”). Claim 2 has been amended to recite “a stem comprising a bottom portion insertable into the end of said tube, wherein when said medical device is in an assembled configuration, said bottom portion of said stem is placed into the end of said tube, said tube is placed into said opening in said base, and said bottom portion of said stem projects toward said lower surface of said base.” Claim 34 has been amended to recite “a stem comprising a bottom portion insertable into the end of said tube, wherein when said medical device is in an assembled configuration, said bottom portion of said stem is placed into the end of said tube, said tube is placed into said opening in said base, and said bottom portion of said stem projects into said opening in said base.” The Applicant respectfully submits that the invention as now claimed is neither anticipated nor rendered obvious by the prior art of record.

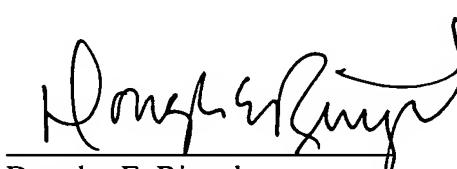
Specifically with respect to the cited references, Botts does not disclose a medical device wherein in the assembled condition a stem portion extends into the tube and projects toward the lower surface of the base, as recited in claim 1, or into an opening in the base, as recited in claim 34. The tower 16 of Botts has a top end 21 that projects away from the base 12, to allow a pumping tube to connect to a supply in a pump housing for IV infusion. By contrast, the Applicant's invention as claimed in claim 1 requires a stem portion projecting toward the lower surface of the base, and the Applicant's invention as claimed in claim 34 requires a stem portion projecting into an opening in the base. Andrew has no structure for projecting into a tube at all.

Based on the foregoing, the Applicant respectfully requests further examination and allowance of all claims. If for any reason the Examiner believes that contact with Applicant's attorney would advance prosecution, the Examiner is invited to contact the undersigned at the telephone number given below. The Office is authorized to charge any fees associated with this Amendment or the enclosed Terminal Disclaimers, including those under 37 C.F.R. §§ 1.16 or 1.17, to Kenyon & Kenyon LLP Deposit Account No. 11-0600.

Respectfully submitted,

Dated: Aug. 10, 2007

By:


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